



CITY OF NEWTON, MASSACHUSETTS

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Public Hearing Date:	December 9, 2008
Land Use Action Date:	February 17, 2009
Board of Aldermen Action Date:	March 2, 2009
90-Day Expiration Date:	March 9, 2009

DATE: December 5, 2008

TO: Board of Aldermen

FROM: Michael Kruse, Director of Planning and Development
Candace Haven, Chief Planner
Benjamin Solomon-Schwartz, Senior Planner

SUBJECT: #384-08 DAVID CHODRIKER petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to eliminate the use of a garage beneath an existing single family home and relocate parking for two vehicles on a new driveway within the front setback at 5 STAFFORD ROAD, Ward 6, NEWTON CENTRE, on land known as Sec 64, Blk 25, Lot 9, containing approx 7,911 sf of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec 30-24, 30-23, 30-19(g)(1), 30-19(m), and 30-5(b)(4) of the City of Newton Rev Zoning Ord, 2007.

CC: Mayor David B. Cohen

The purpose of this memorandum is to provide the Board of Aldermen and the public with technical information and planning analysis which may be useful in the special permit decision making process of the Board of Aldermen. The Planning Department's intention is to provide a balanced view of the issues with the information it has at the time of the public hearing. There may be other information presented at or after the public hearing that the Land Use Committee of the Board of Aldermen will want to consider in its discussion at a subsequent Working Session.



EXECUTIVE SUMMARY

The petitioner proposes to convert an attached basement garage to storage space, restore the driveway to grade and widen it to provide parking for two vehicles, which would be wholly within the front setback and partially within the side setback. In addition, the petitioner proposes to add a ramp and set of stairs from the side of the house in order to access the storage area in the former garage. A brick walkway would provide access to the side of the house from the sidewalk. The petitioner also proposes to remove an existing gravel driveway in the rear of the house, which will increase open space. The purpose of these changes is to eliminate a steep driveway, basement flooding, and make better use of the site exterior. There are no specific references to such minor alterations in the *Newton Comprehensive Plan*, but staff does not find it inconsistent with the Plan.



I. SIGNIFICANT ISSUES FOR CONSIDERATION

In reviewing this petition, the Board should consider whether the following findings apply:

- ◆ The proposed grade change has no adverse affect on nearby properties and structures.
- ◆ The proposed planting of street trees, removal of an existing curb cut, installation of granite curbing, and sidewalk repair provides public benefits by improving the adjacent streetscape.
- ◆ The proposed planting of street trees offers appropriate screening of parking from the street.
- ◆ The use of impervious pavement minimizes the increase in impervious surfaces.

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The property is located off Homer Street and is several blocks away from the Mason-Rice Elementary School. It is located within a Single Residence 2 (SR2) district (*SEE ATTACHMENTS "A" AND "B"*). Most of the lots in the immediate area are between 7,000 and 10,000 sq. ft., and all of the lots contain single-family detached dwellings.

B. Site

The 7,911 sq.ft. site currently contains one single-family residence built in 1950. The house is at the corner of Stafford Road and Pleasant Street but faces Stafford Road. The house includes an attached, basement-level garage that is accessed through a steeply-sloped driveway off Stafford Road. There also is a gravel driveway in the rear of the house, which can be accessed for parking through a curb cut on Pleasant Street.

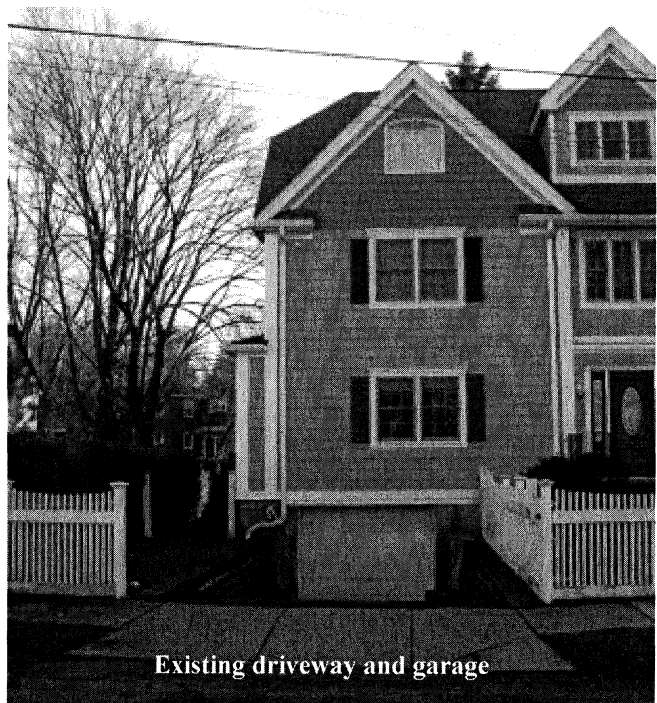
III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

No changes in use are proposed. The existing residence is an appropriate use in the SR2 district.

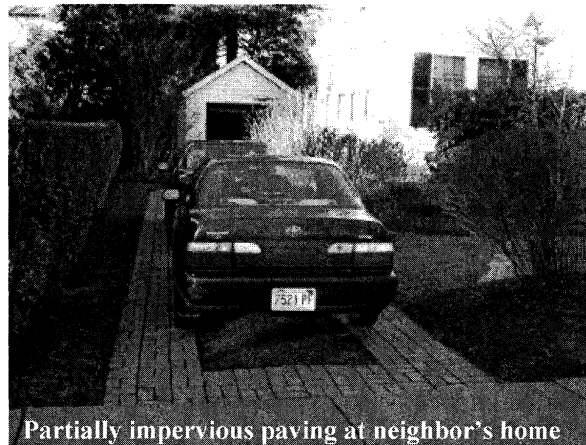
B. Site Design

The petitioner proposes to convert the garage to storage space, restore the driveway to grade and widen it to provide parking for two vehicles. In addition, the petitioner proposes to add a ramp and set of stairs from the side of the house in order to access the storage area in the former garage. A brick walkway would provide access to the side of the house from the sidewalk. The petitioner proposes to remove the existing gravel driveway in the rear of the house and convert it to open space.



The proposed project would increase the open space on the site from 69.9% to 72.5% because of the removal of the gravel driveway, which is not classified as open space according to the City's Zoning Ordinance.

However, the project would also increase the amount of impervious surfaces on the property due to the expansion of the driveway, the addition of the ramp and stairs to access the storage area, and the addition of the brick access path.



Partially impervious paving at neighbor's home

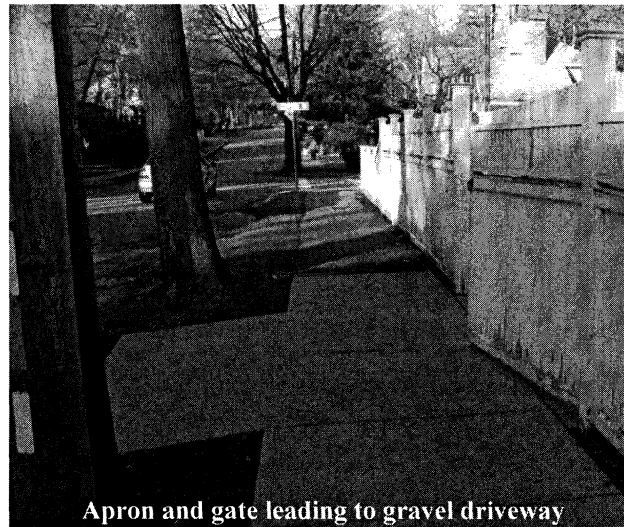
Planning Department staff recommends using impervious materials for the driveway and path, which would decrease runoff and beautify the expanded driveway.

C. Grading and Drainage

The petitioner proposes restoring the existing driveway to grade in order to prevent basement flooding. In order to provide access to the basement area now occupied by the garage, the proposal involves lowering the grade alongside the house for pedestrian access, including bicycle storage. Overall, the petition will reduce the area of land that is below the natural grade. As recommended by the Associate City Engineer, the petitioner should extend the length of the trench drain to match the expanded driveway.

D. Parking and Street Access

The petitioner proposes removing a gravel parking space in the rear yard, decommissioning the garage, and locating two parking spaces in the front yard setback. One of these parking spaces also is located in the side yard setback area. Because the existing gravel space is not conveniently located, the petition increases the number of conveniently located spaces, reducing the demand for parking on the street.



Apron and gate leading to gravel driveway

The proposal indicates granite corner blocks to be installed for the driveway apron. As indicated by the Associate City Engineer, as a public benefit, it would be preferable to install granite curbing along the entire frontage of the lot and to upgrade the existing pedestrian ramp at the corner of Stafford Road and Pleasant Street.

The Associate City Engineer recommends that the petitioner remove the concrete apron when removing the gravel driveway and repair the existing damaged sidewalk. The petitioner should also consider modifying the driveway gate to make it consistent with non-vehicular use of the area.

E. Parking and Street Access

The petitioner proposes to plant two deciduous trees along Stafford Street to improve the streetscape. While the Director of Urban Forestry has approved the planting of trees in this location, the petitioner should work with him to select the tree species or arrange to pay for the City to plant them.

The driveway is currently screened from the 11 Stafford Road neighbors by a hedge. It is unclear who is responsible for them and the petitioner should clarify whether they or their neighbors own the hedge.

IV. COMPREHENSIVE PLAN

The 2007 *Newton Comprehensive Plan* does not directly consider the issues raised by the proposed project, including minor grading changes. However, given the Plan's goal of sustaining the existing residential areas of the City, the proposed changes to the existing single-family residence are not inconsistent with the Plan.

V. TECHNICAL REVIEW

- A. Technical Considerations (Section 30-15). The Zoning Review Memorandum, dated October 30, 2008 (*ATTACHMENT "C"*), provides an analysis of the proposal with regard to Section 30-15 Table 3. A special permit is required for the construction of a ramp and set of stairs that will alter the grade by more than three feet.
- B. Parking Requirements (Section 30-19). The Zoning Review Memorandum provides an analysis of the proposal with regard to Section 30-19. A special permit is required for the location of two parking spaces within the front yard setback, as well as for the location of one of these spaces within the side yard setback.
- C. Engineering Review. The Associate City Engineer has reviewed plans (*SEE ATTACHMENT "D"*) and notes a number of issues that will need to be addressed prior to working session, including the length of the trench drain and curbing and

sidewalk improvements. Since a drywell is proposed, and Operations and Maintenance Plan also will be required.

VI. ZONING RELIEFS SOUGHT

As noted in the Zoning Review Memorandum, dated October 26, 2008 (*ATTACHMENT "C"*), the petitioner is seeking approval through or relief from:

- Section 30-19(g)(1) and (m) to locate more than one parking space within the front setback;
- Section 30-5(b)(4) for a three-foot grade change; and
- Section 30-23 for approval of proposed site plan and related alterations on the property.

VII. Summary of Petitioner's Responsibilities

At the December 9 public hearing, the petitioner should be expected to respond to all issues raised in this memorandum prepared by the Planning Department. Prior to working session, the petitioner should provide the following items:

- Alternatives to the use of impermeable pavement for the proposed driveway;
- Calculations to verify the capacity of the dry well; and
- Clarification of the ownership of the hedge adjacent to 11 Stafford Road.

ATTACHMENTS

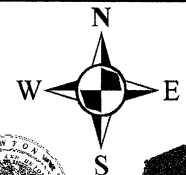
<i>ATTACHMENT A:</i>	<i>Zoning Map</i>
<i>ATTACHMENT B:</i>	<i>Land Use Map</i>
<i>ATTACHMENT C:</i>	<i>Zoning Review Memorandum, dated October 30, 2008</i>
<i>ATTACHMENT D:</i>	<i>Associate City Engineer Review, dated November 26, 2008</i>

Zoning Map

City of Newton,
Massachusetts

Legend

- Single Res. 1
- Single Res. 2
- Single Res. 3
- Business 1
- Business 2
- Business 4
- Business 5
- Limited Manufacturing
- Manufacturing
- Multi-Res. 1
- Multi-Res. 2
- Multi-Res. 3
- Multi-Res. 4
- Mixed Use 1
- Mixed Use 2
- OS/Rec.
- Public Use



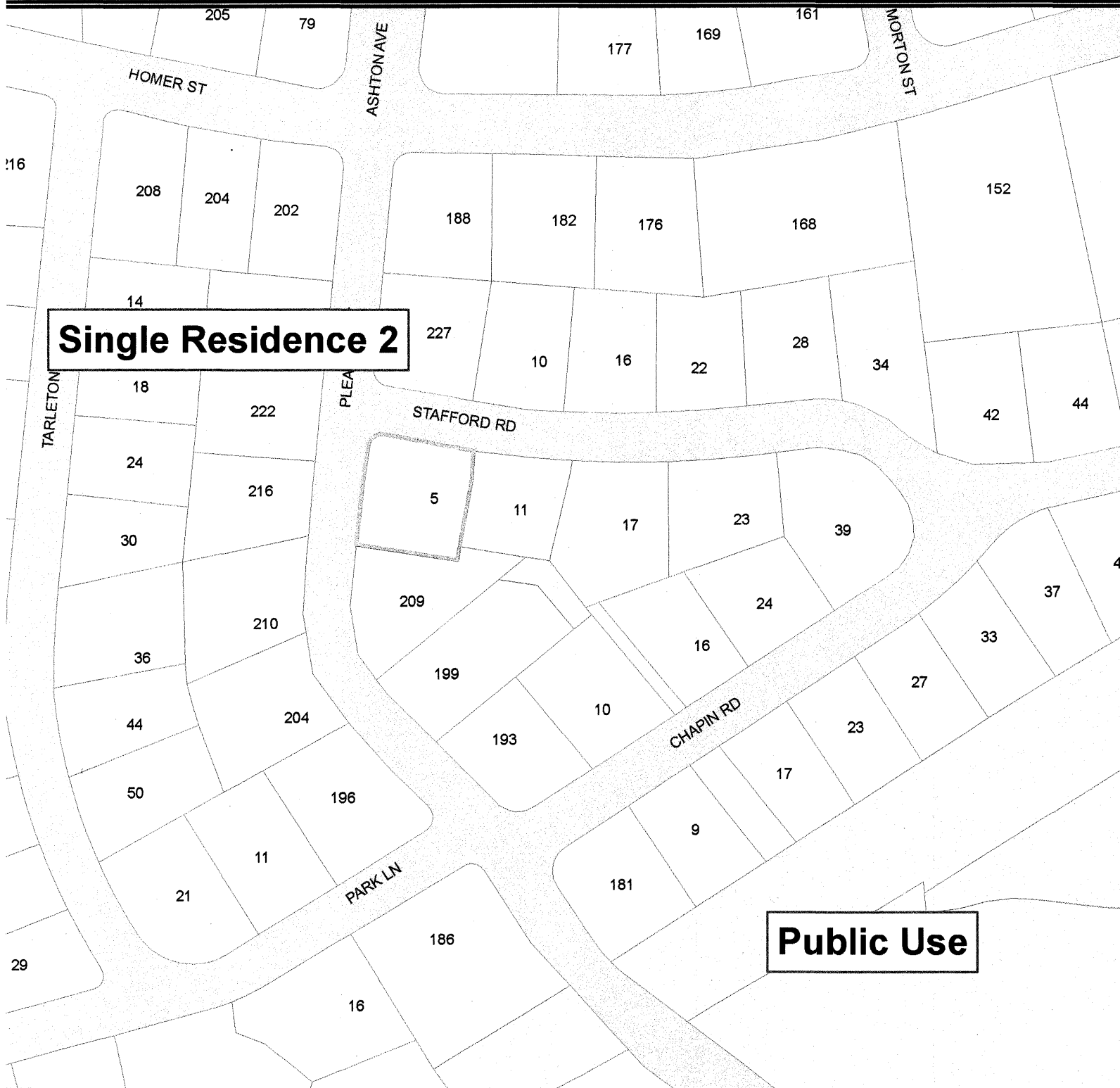
The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve applications based solely on GIS data.

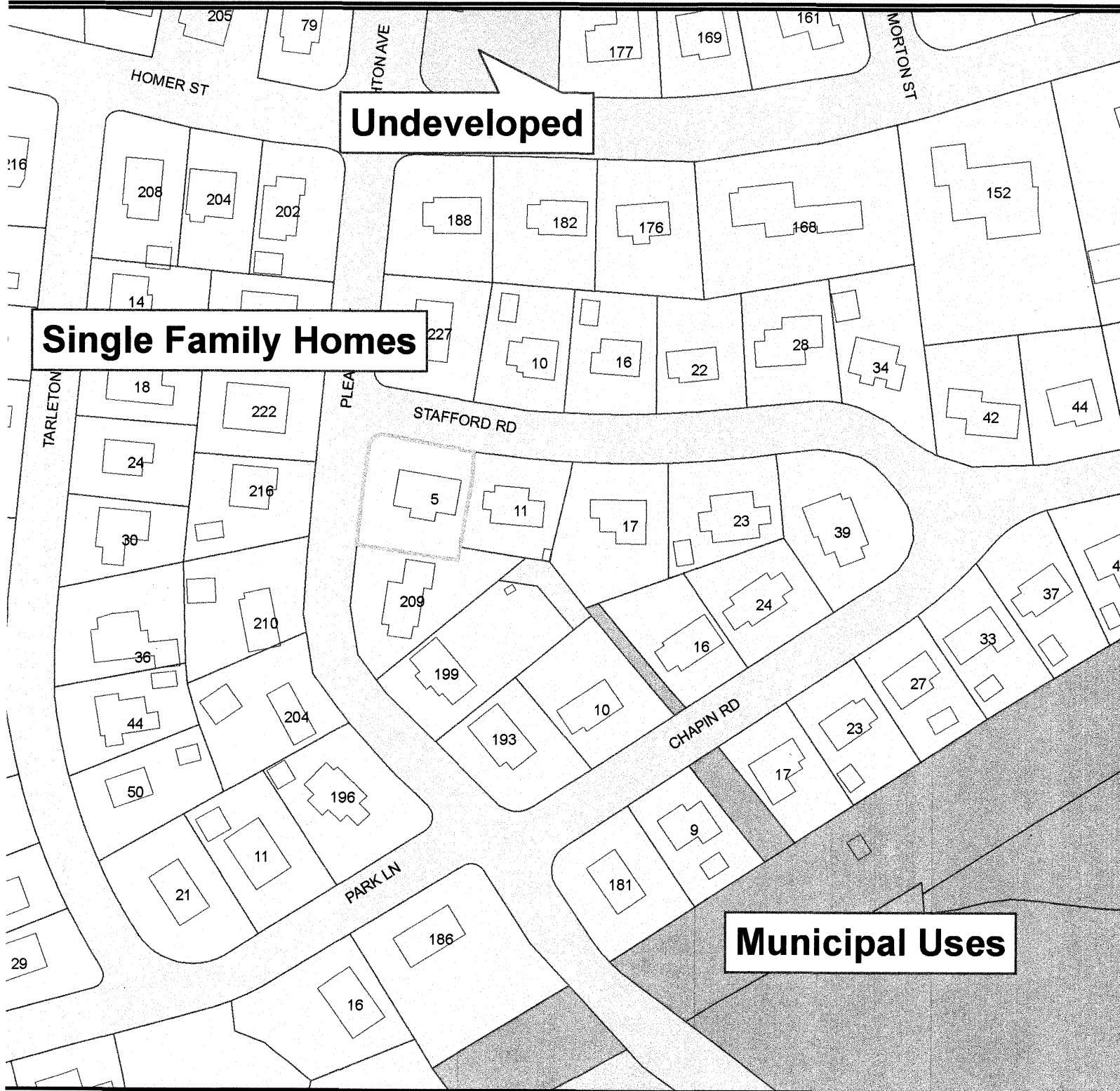
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MAP DATE: December

ATTACHMENT A









Land Use Map

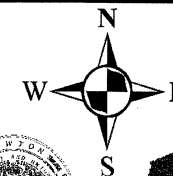
*City of Newton,
Massachusetts*

Legend

Property Boundaries

Land Use

-  Single-Family Home
-  Two-Family Home
-  Developable Land
-  Municipal Land



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0 20 40 80 120 160 Feet

MAP DATE: December 04, 2008

ATTACHMENT B

Zoning Review Memorandum

Dt: October 30, 2008

To: John Lojek, Commissioner of Inspectional Services

Fr: Eve Tapper, Chief Zoning Code Official
Candace Havens, Chief Planner *SH*

Cc: Michael Kruse, Director, Department of Planning and Development
G. Michael Peirce, representing David Chodriker and Shira Deener
Ouida Young, Associate City Solicitor

RE: **Request to locate two parking stalls in the front setback and to change the grade by more than 3 feet.**

Applicant: David Chodriker and Shira Deener**Site:** 5 Stafford Rd**SBL:** Section 64, Block 25, Lot 9**Zoning:** SR-2**Lot Area:** 7,958* sq. ft.**Current use:** single-family residence**Prop. use:** single-family residence

* Square footage per City of Newton's Assessor's Database, applicants submitted slightly different figure.

Background:

The subject property is located in an SR-2 zone and consists of a 7,958 square foot lot currently improved with a single-family residence. There is an existing garage under the house with a severely sloped driveway providing access to the street. The applicants propose to eliminate the garage and build a level driveway in place of the existing sloped one. They plan to park two cars on the new driveway, which is located within the front setback.

Administrative determinations:

1. The subject property is improved with a single-family residence. Section 30-19(d) requires two parking stalls per dwelling unit for one-family dwellings. Section 30-19(g)(1) requires that no parking stall shall be located within any required setback except that for a one- or two-family dwelling, one parking stall per dwelling unit may be located within the required setbacks. The proposed plan shows two parking spaces located within the front setback. Since there is only one dwelling unit on the property, only one parking space is allowed within the front setback. In order to locate two parking spaces in the front setback, the applicant must apply for a special permit from the Board of Aldermen pursuant to the provisions of Sections 30-19(m) and 30-24.
2. The proposed plans depict a small area of land along the eastern side of the house where the grade will be changed by more than three (3) feet in order to accommodate a path from existing garage, which will become basement storage space under the proposed plans, to the street. Per Section 30-5(b)(4), this proposed grade change requires a special permit.

3. The following table outlines the Zoning Relief required for the project.

<i>Zoning Relief Summary</i>		
<i>Ordinance</i>		<i>Action Required</i>
	Parking	
30-19(g)(1) and 30-19(m)	Special Permit to locate more than one parking space within the front setback	SP per 30-24
	Site	
30-5(b)(4)	Special Permit for a three (3) foot grade change	SP per 30-24
30-23	Site plan approval	X

Plans and materials reviewed:

- “Topographic Site Plan, Newton, Massachusetts Showing Proposed Conditions at 5 Stafford Road,” dated October, 21, 2008, signed and stamped by Joseph R. Porter, Professional Land Surveyor
- “Area Plan of Land, Newton, Massachusetts to 5 Stafford Road,” dated October 21, 2008, signed and stamped by James J. Abely, Professional Land Surveyor
- Grade Change Plan, Newton, Massachusetts, Showing Proposed Condition at 5 Stafford Road,” dated October 21, 2008, signed and stamped by James J. Abely, Professional Land Surveyor
- Letter dated August 6, 1999 from Joseph P. Latronica, Newton Commissioner of Inspectional Services
- Owners’ deed Bk: 47913, Pg:48.

ATTACHMENT D

CITY OF NEWTON ENGINEERING DIVISION

MEMORANDUM

To: Alderman George Mansfield, Land Use Committee Chairman

From: John Daghljan, Associate City Engineer

Re: Special Permit – 5 Stafford Road

Date: November 26, 2008

CC: Lou Taverna, PE City Engineer (via email)
Candice Havens, Chief Planner (via email)
Linda Finucane, Associate City Clerk (via email)
Ben Solomon-Schwartz, Planner (via email)

In reference to the above site, I have the following comments for a plan entitled:

*Topographic Plan Showing Proposed Conditions at
#5 Stafford Road
Newton, MA
Prepared by: VTP Associates, Inc.
Dated: November 6, 2008*

Drainage:

1. The proposed trench drain needs to be extended to capture all the runoff from the proposed driveway expansion and from the brick walkway. The proposal has a trench drain that is only 10' wide vs. the 21.5' of impervious surface.
2. Calculations are needed to verify the capacity of the existing dry-well. The dry well need to be inspected to ensure that it is properly functioning.
3. An Operations and Maintenance (O&M) plan for Stormwater Management Facilities is needed if acceptable it needs to be drafted and adopted by applicant, incorporated into the deed; and recorded at the Middlesex Registry of Deeds. A copy of the recording instrument shall be submitted to the Engineering Division.

Site Improvements:

1. The existing driveway apron on Pleasant Street should be removed and remodeled as sidewalk, in concert with this work the asphalt sidewalk along Pleasant Street should be replaced as it is damaged.
2. The proposal indicates granite corner blocks shall be installed for the driveway apron, it would be preferable to install granite curbing along the entire frontage of the lot; and as a public benefit upgrade the existing pedestrian ramp at the corner of Stafford Road & Pleasant Street.
3. The site plan needs to identify the row of bushes between this property and #11 Stafford Road; based on a site visit it is unclear as to the location of the hedge row and the property line.

General:

1. As of January 1, 2009, all trench excavation contractors shall comply with Massachusetts General Laws Chapter 82A, Trench Excavation Safety Requirements, to protect the general public from unauthorized access to unattended trenches. Trench Excavation Permit required. This applies to all trenches on public and private property. *This note shall be incorporated onto the plans*
2. The contractor is responsible for contacting the Engineering Division and scheduling an appointment 48 hours prior to the date when the utilities will be made available for an inspection of the drainage system installation. The drainage system shall be fully exposed for the inspector to view; backfilling shall only take place when the City's Inspector has given their approval.
3. The applicant will have to apply for Street Opening, Sidewalk Crossing, and Utilities Connecting permits with the Department of Public Works prior to any construction. *No Street opening permits are issued after December 1st.*
4. The applicant will have to apply for a Building Permits with the Department of Inspectional Service prior to any construction.
5. Prior to Occupancy permit being issued, an As-Built Plan shall be submitted to the Engineering Division in both digital format and in hard copy. The plan should show all utilities and final grades, any easements and final grading. *This note must be incorporated onto the site plan.*
6. If a Certificate of Occupancy is requested prior to all site work being completed, the applicant will be required to post a Certified Bank Check in the amount to

cover the remaining work. The City Engineer shall determine the value of the
uncompleted work. *This note must be incorporated onto the site plan.*

If you have any questions or concerns please feel free to contact me @ 617-796-1023.